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ILLINOIS COMMERCE COMMISSION

Before the
ILLINOIS COMMERCE COMMISSION

ILLINOIS
COMMERCE COMMISSION
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CHIEF CLERK'S OFFICE

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In the Matter of the)
)
Broadview NP Acquisition Corp.)
d/b/a Broadview Net Plus)
for a Certificate of Public Convenience and)
Necessity to Provide Facilities Based and)
Resold Interexchange Telecommunications)
Services in the State of Illinois)

Docket No. 02-0270

MOTION FOR PROTECTIVE ORDER

Introduction

Broadview NP Acquisition Corp. d/b/a Broadview Net Plus ("BNP" or "Applicant"), by its attorneys and pursuant to Section 200.430 of the Illinois Administrative Code, 83 Ill. Admin. Code § 200.430, hereby files this Motion for Protective Order ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks confidential treatment by the Illinois Commerce Commission ("Commission"), pursuant to a Protective Order, of certain commercially-sensitive financial statements attached as ***Exhibit D*** to its Application for a Certificate of Local and Interexchange Authority to Operate as a Reseller and Facilities Based Carrier of Interexchange Telecommunications Services in the State of Illinois ("Application"). Because this Motion is an inseparable part of BNP's Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant:

BROADVIEW NP ACQUISITION CORP. D/B/A BROADVIEW NET PLUS
59 MAIDEN LANE, 27TH FLOOR
New York, New York 10038
Tel. (212) 400-1000
Fax (212) 400-1150

2. Correspondence or communications regarding this Motion should be addressed to:

Katherine E. Barker
The KDW Group, LLC
1200 19th St., NW #500
Washington, DC 20036
Telephone: (202) 955-9669
Facsimile: (202) 955-9792

with a copy to:

Ana Bataille
Manager, Regulatory Affairs
BVNPAC, inc. d/b/a Broadview Net Plus, Inc.
400 Horsham Road
Horsham, PA 19044
Telephone: (215) 293-8773
Facsimile: (215) 293-8750
Abataille@broadviewnet.com

I. Description of Confidential Information.

3. The form Application for a Certificate of Authority to Operate as a Reseller and Facilities Based Interexchange Carrier of Telecommunications Services in the State of Illinois requires the Applicant to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its Balance Sheet. These financial statements, attached as *Exhibit D* to BNP's Application, contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in Illinois and elsewhere.

II. Grounds for Claim of Confidential Treatment Pursuant to Protective Order.

4. The Applicant is a privately-held corporation, presently immune from a legal obligation to prepare or submit financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Exhibit D* to BNP's Application are not readily available to persons external to the Applicant.

5. Because the financial statements submitted by the Applicant in support of its Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, the Applicant seeks to protect such material from public disclosure. The Applicant derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. Given this fact, the disclosure of this information could provide existing and potential competitors, including competitive local exchange carriers ("CLECs"), incumbent local exchange carriers ("ILECs"), independent local exchange carriers and interexchange carriers ("IXCs") in Illinois, as well as in other states in which the Applicant intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

Conclusion

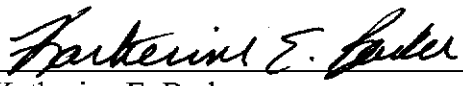
6. The financial information included in support of BNP's Application, for which confidential treatment pursuant to a Protective Order is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to the Applicant as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required the Applicant to make this information available to the public.

For all of these reasons, the financial statements attached as *Exhibit D* to BNP's Application should be protected from public disclosure by a Protective Order of the Commission.

WHEREFORE, Broadview NP Acquisition Corp. d/b/a Broadview Net Plus respectfully requests that the Illinois Commerce Commission grant this Motion for Protective Order with respect to the financial statements attached as *Exhibit D* to its Application for a Certificate of Authority to Operate as a Reseller and Facilities Based Interexchange Carrier of Telecommunications Services in the State of Illinois, and filed *under seal* in this proceeding.

Respectfully submitted,

BROADVIEW NP ACQUISITION CORP.
D/B/A BROADVIEW NET PLUS

By: 
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Its Attorneys

Dated: April 17, 2002